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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,753	10/21/2003	Leslie Paine	CQ10109	5368
23373	7590	03/20/2006		
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER GATES, ERIC ANDREW				
ART UNIT		PAPER NUMBER		
3722				

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/690,753	Applicant(s) PAINE, LESLIE	
	Examiner Eric A. Gates	Art Unit 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-8 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Rubinstein (UK Patent Application GB 2065555 A).

3. Regarding claim 1, Rubinstein discloses a fastening system comprising a stud 11 and a sheet 19 of cover material; the stud being formed with a groove 13, and the sheet of cover material being formed with a hole 21 and two slits 20, the slits extending away from respective intersections with the hole in respective directions which are not in alignment with one another (any two of the slits that are 90 degrees from each other); whereby, in use, the stud is pushed through the hole until the groove in the stud snaps into engagement with the hole in the sheet of cover material.

4. Regarding claim 2, Rubinstein discloses wherein the slits 20 diverge with increasing distance from the hole 21 (see figure 4).

5. Regarding claim 3, Rubinstein discloses wherein the slits 20 are tangential to the hole 21 (in the plane of the sheet 19 of cover material). Rubinstein also discloses in figure 5 the use of slits 26 that are tangential to the hole 25 in a plane perpendicular to the sheet 24 of cover material.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rubinstein in view of Miller et al (U.S. Patent 4,193).

8. Regarding claim 4, Rubinstein discloses wherein the hole 21 has a boundary. Rubinstein does not disclose a part of the boundary of the hole which is a continuation of the tangential slits includes part of a circle.

9. Miller et al. teaches the use of a tab 11 including a hole 16 that has a tangential slit 14 which is a continuation of a part of the circular hole for the purpose of preventing a wire coil from escaping from the hole when a force is applied in a direction perpendicular to the outer edge of the tab. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have combined the fastening system of Rubinstein with the slits including part of a circle of Miller et al. in order to have an alternative means for the hole to expand when the stud is pushed through the hole.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rubinstein.

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11. Regarding claim 6, Rubinstein discloses wherein the groove 13 is an annular groove. Rubinstein does not disclose wherein the stud is made of metal, however, examiner takes Official Notice that it is well known in the art to use studs made of metal for the purpose of fastening.

12. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubinstein in view of Marsh et al (UK Patent Application GB 2236280 A).

13. Regarding claim 7, Rubinstein discloses wherein the stud 11 is elongate and has a annular groove 13 near each end. Rubinstein does not disclose that the sheet of cover material is folded and has said hole and two slits on one side of said fold and has another of said hole and two slits on the other side of said fold whereby, in use, each of the annular grooves snaps into engagement with a respective one of each of the holes.

14. Marsh et al. teaches the use of a sheet 1/2/3 of cover material that is folded with holes (numerous, see figure 1) on each side of the fold for the purpose of using a stud 9 to connect the end portions 1/3 of the cover material. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have combined the fastening system of Rubinstein with the folded cover material of Marsh et al. in order to provide cover material on both sides of the fastened material.

15. While Marsh et al. does not teach the use of slits extending from the holes, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have duplicated the slits of Rubinstein et al. for the purpose of allowing the stud to be inserted in the holes on both ends of the cover material, because it has been

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held that mere duplication of the essential working parts of a device involves only routine skill in the art.

16. Regarding claim 7, the modified invention of Rubinstein discloses wherein the stud 11 passes through pre-punched holes in paper stationery located between the annular grooves 13 in the stud (see page 1, lines 41-55).

Allowable Subject Matter

17. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Gates whose telephone number is 571-272-5498. The examiner can normally be reached on Monday-Thursday 7:45-6:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



EAG
13 March 2006



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER